

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1, 3, 4, and 6-17 are pending in the present application, Claims 1, 3, 4, and 6 having been amended, Claims 2 and 5 having been canceled without prejudice or disclaimer, and Claims 9- 17 having been added. Support for the present amendment is believed to be self-evident from the originally filed specification. New Claim 17 corresponds to Claim 4, but does not include means-plus-function terminology consistent with the position that an interpretation under 35 U.S.C. §112, sixth paragraph, is not warranted. No new matter is added.

The outstanding Office Action rejects Claims 1, 3, 4, and 6-8 were under 35 U.S.C. §102(b) as anticipated by Suzuki et al. (U.S. Patent No. 6,245,982).

With respect to the rejection of Claim 1 as anticipated by Suzuki, Applicant respectfully submits that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

obtaining, at the audio reproduction apparatus, an audio data file including audio data, character data indicating a shape of a character, and motion data indicating motion of the character having the shape specified by the character data.

Suzuki does not disclose or suggest every element of amended Claim 1.

Fig. 11 of Suzuki shows a configuration of a sequence file that consists of (1) a scene file, (2), a personal initial information file, and (3) a personal performance descriptive file. The personal performance descriptive file (3) includes a performance information file and a motion descriptive file. The performance information file is MIDI data, and the motion descriptive file contains “pointer information that designates motion waveform data of each

player or musical instrument contained in the motion component database.”<sup>1</sup> Thus, Suzuki describes that the waveform data is separate from any audio file. Suzuki does not disclose that the personal performance descriptive file includes MIDI data, the motion description file, and the waveform data. A link to the waveform data is not the same as including the waveform data in a same file as the audio data and the motion data. On the contrary, the waveform data is separately stored in another database (see Suzuki’s Fig. 11). Suzuki does not disclose or suggest any audio file that includes audio data, character data, and motion data.

Thus, Suzuki does not disclose or suggest an “audio data file including audio data, character data indicating a shape of a character, and motion data indicating motion of the character having the shape specified by the character data.”

Furthermore, the arrangement of the audio data file in Claim 1 is advantageous when compared to conventional image reproduction. Having the character data and motion data included in the audio data file allows for a smaller data volume.<sup>2</sup>

In view of the above-noted distinctions, Applicant respectfully submits that Claim 1 (and any claims dependent thereon) patentably distinguish over Suzuki. Claims 4 and 17 recite elements analogous to Claim 1. Thus, Claims 4 and 17 (and any claims dependent thereon) patentably distinguish over Suzuki, for at least the reasons stated for Claim 1.

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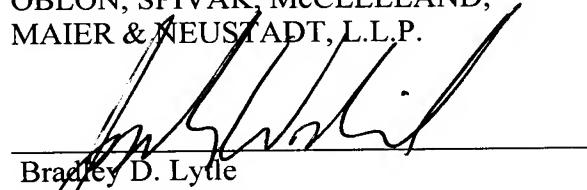
<sup>1</sup> Suzuki, col. 16, lines 45-48.

<sup>2</sup> Specification, page 4, lines 16-21, and page 13, line 17 to page 14, line 7.

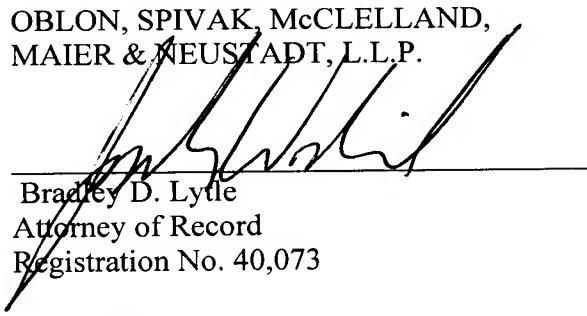
Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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